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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-227

12 **SHIRLEY ANN THOMPSON**
8200 Kroll Way, Apt. 46
Bakersfield, CA 93311

A C C U S A T I O N

13 Registered Nurse License No. 466305

14 Respondent.
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16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing.

20 2. On or about June 30, 1991, the Board of Registered Nursing issued
21 Registered Nurse License Number 466305 to Shirley Ann Thompson (Respondent). The
22 Registered Nurse License was in full force and effect at all times relevant to the charges brought
23 herein and will expire on December 31, 2010, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing
26 (Board), under the authority of the following laws. All section references are to the Business and
27 Professions Code unless otherwise indicated.
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5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

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1 license.

2 “(c) Be convicted of a criminal offense involving the prescription, consumption,
3 or self-administration of any of the substances described in subdivisions (a) and (b) of this
4 section, or the possession of, or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
6 thereof.

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8 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Substantially Related Conviction)**

14 9. Respondent is subject to disciplinary action pursuant to section 2761(f) of
15 the Code, in that she was convicted of a criminal offense which is substantially related to the
16 qualifications, functions, and duties of a registered nurse, as follows:

17 a. On or about June 20, 2006, in the criminal proceeding entitled *People of*
18 *the State of California vs. Shirley Ann Thompson*, Superior Court of California, County of Santa
19 Clara, San Jose Facility, Case No. CC631117, Respondent was convicted on her plea of guilty to
20 a violation of Vehicle Code section 23152(b) (driving with a blood alcohol level of 0.08% or
21 more), a misdemeanor.

22 b. Respondent was sentenced to three (3) years court probation.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Substantially Related Convictions)**

25 10. Respondent is subject to disciplinary action pursuant to section 2761(f) of
26 the Code, in that she was convicted of criminal offenses which are substantially related to the
27 qualifications, functions, and duties of a registered nurse, as follows:

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1 a. On or about September 1, 2004, in the criminal proceeding entitled *People*
2 *of the State of California vs. Shirley Ann Thompson*, Superior Court of California, County of
3 Orange, West Justice Center, Case No. 04WM08757, Respondent was convicted on her plea of
4 guilty to a violation of Vehicle Code section 23152(a) (driving under the influence), a
5 misdemeanor, and Vehicle Code section 23152(b)(driving with a blood alcohol level of .08% or
6 more), a misdemeanor.

7 b. Respondent was sentenced to three (3) years informal probation.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Use of Alcohol to a Dangerous Extent)**

10 11. Respondent is subject to disciplinary action pursuant to section 2762(b) of
11 the Code, on the grounds of unprofessional conduct, in that Respondent used alcohol to an extent
12 or in a manner dangerous or injurious to herself, any other person, or the public or to the extent
13 that such use impairs her ability to conduct with safety to the public the practice authorized by
14 her license, as set forth in paragraphs 9 and 10, above.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Conviction Involving Alcohol)**

17 12. Respondent is subject to disciplinary action pursuant to section 2762(c) of
18 the Code, on the grounds of unprofessional conduct, in that Respondent was convicted of
19 criminal offenses involving alcohol, as set forth in paragraphs 9 and 10, above.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 466305, issued
24 to Shirley Ann Thompson.


25 2. Ordering Shirley Ann Thompson to pay the Board the reasonable costs of
26 the investigation and enforcement of this case, pursuant to Business and Professions Code
27 section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 3/27/09


RUTH ANN TERRY, M.P.H, R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant